

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
June 11, 2013

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Zelda Auslander, Council Member
Michelle Bliss, Council Member (arrived at 6:06 p.m.)
Steve Braasch, Mayor Pro Tem
Kara King, Council Member

Absent:

Paul Kline, Council Member

City Staff:

Frank Salvato, City Manager
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Russell Pancoast, Police Chief
Lindsey Withrow, Director of Community Services
Katie Griffin, Director of Finance
Giancarlo Patino, City Engineer
Stephen Myrick, Building Official
Amy Kelley, Chief Technology Officer

Call to Order and Announce a Quorum is Present

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, June 11, 2013 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Adrian Overstreet, Asset Manager for the Hill Country Galleria, invited everyone to the 4th of July celebration at the Galleria.

Nicole Boots, Lake Pointe Elementary, spoke to the Council about banning plastic bags in Bee Cave.

Consent Agenda

- A. Consider approval of minutes of the Regular meeting conducted on May 28, 2013.
- B. Proclamation recognizing the 45th Anniversary of the Tet Offensive

MOTION: A motion was made by Council Member King, seconded by Mayor Pro Tem Braasch, to approve the consent agenda.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King
Voting Nay:	None
Absent:	Council Member Kline

The motion carried.

Discuss and consider action on the appointment of a member to the Planning and Zoning Commission, Position 5.

Council Member Kline had requested that the Council consider Andrew Clark as his nomination for Position 5 on the Planning and Zoning Commission.

Mr. Clark was present at the meeting and answered questions about the time commitment required for the appointment.

Council Member King recused herself from participating in the discussion and voting on this item.

MOTION: A motion was made by Council Member Bliss, seconded by Council Member Auslander, to approve the appointment of Andrew Clark to Position 5 of the Planning and Zoning Commission.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Council Members Auslander and Bliss
Voting Nay:	None
Abstain:	Mayor Pro Tem Braasch
Absent:	Council Member Kline

The motion carried.

Discuss and consider action on the site plan amendment for Bee Cave Arts Foundation Sculpture Park located in the City of Bee Cave at 13333 A HWY 71 Bee Cave, TX 78738.

City Engineer Giancarlo Patino reported on this item.

MOTION: A motion was made by Council Member Bliss, seconded by Mayor Pro Tem Braasch, to approve the site plan amendment for Bee Cave Arts Foundation Sculpture Park.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King
Voting Nay: None
Absent: Council Member Kline

The motion carried.

Discuss and consider action on a replat for West Travis County Public Utility Agency effluent storage pond and wastewater treatment plant located at 12900½ Bee Cave Parkway.

Director of Community Services Lindsey Withrow reported on this item.

MOTION: A motion was made by Council Member King, seconded by Council Member Bliss, to approve the replat for the West Travis County Public Utility Agency effluent storage pond and wastewater treatment plant.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King
Voting Nay: None
Absent: Council Member Kline

The motion carried.

Discuss and consider action on the Site and NPS plan Major Revision for the West Travis County - Public Utility Agency Effluent Storage Pond and Wastewater Treatment Plant located at 12900½ Bee Cave Parkway in the extra-territorial jurisdiction.

Mr. Patino presented this item.

Council Member King asked about adding some landscaping around the chain link fence.

Dennis Lozano and George Murfee of Murfee Engineering fielded questions from the City Council regarding the storage pond and wastewater treatment plant. The odor issues in the plants are the top priority. They agreed to plant some vegetation around the fence.

Council Member Braasch asked Mr. Murfee to check to see if the fence was supposed to be a coated fence.

Mr. Lozano will research the requirement for the fence.

Larry Fox, President of the WTCPUA, commented that the treatment plant located in Lake Pointe is out of compliance and near capacity. They are striving to get the new plant operating. The odor issues in the current plant are operator failures and not due to the condition of the plant itself. The new facility will be down wind and he does not believe the odor problems will be the same as the Lake Pointe facility.

MOTION: A motion was made by Mayor Murphy, seconded by Council Member Bliss, to approve the site and NPS plan major revision for the West Travis County - Public Utility Agency Effluent Storage Pond and Wastewater Treatment Plant.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King
Voting Nay:	None
Absent:	Council Member Kline

The motion carried.

Discuss and consider action on the approval of an Order ratifying the West Travis County Public Utility Agency regional water and wastewater systems rates, fees and charges for water and wastewater service.

Lauren Kalisek, General Counsel for the WTCPUA, stated that pursuant to the participating agreement entered into in 2012 by the Member Entities and the PUA, the PUA is requesting the governing bodies to adopt an order that confirms and ratifies the retail and wholesale water and wastewater rates, fees and charges. The approval is required in anticipation of the PUA's upcoming bond issue that will include the funds necessary to make the second installment payment to the LCRA. There are no changes that are being proposed for retail water rates. The retail wastewater rates will increase from \$4.75/1000 gallons to \$4.87/1000 gallons.

Mike Murphy, Vice President of the WTCPUA, commented that the law that sets up the PUA does not have the power to condemn so they need approval by the 3 entities. Water charges are based on your winter usage, December, January and February. So, if the volume usage of water went up during those months then the sewer rates went up. Impact fees were studied

and they are charging the legal limits. He stated that the Board needs the Council support on the rates and fees charges.

Bill Goodwin, WTCPUA Board Member, commented on the current rates and what they would be now had the City of Bee Cave not been involved in the lawsuit with LCRA. He stated that the Board is confident that the current rates are fair to all customers.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member King, to approve the Order ratifying the WTCPUA regional water and wastewater systems rates, fees and charges for water and wastewater service.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King
Voting Nay:	None
Absent:	Council Member Kline

The motion carried.

Discuss and consider action on a proposal from LNV Engineering for the 2013 Bee Cave street rehabilitation program for Juniper Trace and the Police Department parking lot.

Mr. Patino presented this item.

Victor Booth of LNV Engineering was available to answer questions.

MOTION: A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Auslander, to approve the Option A proposal in the amount of \$24,369 from LNV Engineering for the rehabilitation of Juniper Trace and beautification of the median and rehabilitation of the Police Department parking lot.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King
Voting Nay:	None
Absent:	Council Member Kline

The motion carried.

Discuss and consider action on granting an extension for the filing of the Final Plat for the Spanish Oaks Section XI.

Ms. Withrow presented this item.

MOTION: A motion was made by Council Member Auslander, seconded by Mayor Pro Tem Braasch, to approve granting an extension for the filing of the Final Plat for the Spanish Oaks Section XI.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King
Voting Nay:	None
Absent:	Council Member Kline

The motion carried.

Discuss and consider action on Ordinance No. 149, an ordinance amending the Bee Cave Code of Ordinances relating to Article 14.02 Nuisances, Article 26.02 Stagnant Water, Weeds, Rubbish and other Objectionable Conditions, and Article 26.04, Abandoned and Junk Vehicles in order to extend the regulations 5000 feet outside of the city limits into the Extraterritorial Jurisdiction of the City.

City Manager Frank Salvato presented this item.

Jeff Coffee, representing the American Fireworks, spoke on this item. He stated that he hoped to continue to have a working relationship with the City and continue their firework sales in the current location.

Executive Session on above item.

The City Council closed the Open Session at 7:13 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

The City Council closed the Executive Session at 7:40 p.m. and reconvened in Regular Session in the Council Chambers.

Continue discussion of Ordinance No. 149

The Council agreed that it was not their intention to include the fireworks regulations in Ordinance No. 149.

MOTION: A motion was made by Mayor Murphy, seconded by Mayor Pro Tem Braasch, to approve Ordinance No. 149 excluding any reference to fireworks.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King
Voting Nay: None
Absent: Council Member Kline

The motion carried.

Discuss and consider action to create the Assistant City Manager position, including job description and salary range.

Mr. Salvato stated that the creation of this position would improve daily operations and moving projects along at a quicker pace. He commented that former employee, Travis Askey, had contacted him about returning to work with the City.

Carroll Killebrew, 5410 Great Divide, commented that it was inappropriate to discuss a particular person for a job. The job should not be built around a person and he would like to see a job description.

Bill Goodwin, 13504 Byrd's Nest Drive, stated that he took exception to Mr. Killebrew's comments. He commented that the requested salary range was not out of line.

John Coleman, 5201 Great Divide, urged the Council to consider what the organization should look like and staff around those needs.

Daniel Myrick, General Counsel for Christopher Commercials, stated that he supported the hiring of Mr. Askey because of his institutional memory.

MOTION: A motion was made by Council Member Auslander, seconded by Mayor Pro Tem Braasch, to approve the creation of the Assistant City Manager position as presented.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King
Voting Nay: None
Absent: Council Member Kline

The motion carried.

Discuss and consider action on appointing up to two members of the City Council to work with developer on the Planned Development District for Park at Bee Cave.

MOTION: A motion was made by Council Member Bliss, seconded by Mayor Pro Tem Braasch, to approve the appointment of Mayor Murphy and Council Member Auslander as representatives to assist the developer on the Planned Development District for Park at Bee Cave.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King
Voting Nay:	None
Absent:	Council Member Kline

The motion carried.

Executive Session:

The City Council closed the Open Session at 8:30 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. Consultation with Attorney regarding requirements of Open Meeting and Public Information Acts and requirements associated with City of Bee Cave Code of Ethics Ordinance.
- B. Consultation with Attorney regarding City's authority under the Spillman Development Agreement.
- C. Consultation with Attorney on Chapter 245 of the Local Government Code regarding vesting.

The City Council closed the Executive Session at 11:05 p.m. and reconvened in Regular Session in the Council Chambers.

No action was taken on the above items.

Adjournment

MOTION: A motion was made by Council Member Bliss, seconded by Mayor Pro Tem Braasch, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander,
Bliss and King
Voting Nay: None
Absent: Council Member Kline

The motion carried.

The City Council adjourned the meeting at 11:05 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary